

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM MANUEL ALVAREZ-
CALO,

Petitioner,

v.

MIKE OBENLAND,

Respondent.

CASE NO. 3:19-CV-5904-BHS-DWC

ORDER

The District Court has referred this action to United States Magistrate Judge David W. Christel. Petitioner William Manuel Alvarez Calo filed a federal habeas Petition, pursuant to 28 U.S.C. § 2254, seeking relief from a state court conviction. Currently before the Court is “Petitioner’s Unopposed Motion to Stay and Abey Proceedings” (hereinafter “Motion”). Dkt 27.

District courts may use a “stay-and-abeyance” procedure while a petitioner exhausts his claims in state court. *Rhines v. Weber*, 544 U.S. 269, 275-77; *Calderon v. United States District Court (Taylor)*, 134 F.3d 981, 988 (9th Cir. 1998). Petitioner, through counsel, contends a stay is proper because he has a personal restraint petition pending in the state courts and resolution of

1 these matters is necessary to exhaust his federal claims. Dkt. 27. In the Motion, Petitioner states
2 Respondent does not oppose the stay; however, Respondent does not waive any defenses based
3 upon exhaustion. Dkt. 27.

4 After reviewing the relevant record, the Motion (Dkt. 27) is granted. The case, including
5 Petitioner's supplemental traverse and Respondent's supplemental reply, is stayed. Petitioner is
6 directed to file a report every ninety (90) days informing the Court of the status of Petitioner's
7 state proceedings. The first status report is due on or before September 8, 2020 and shall include
8 the state court cause numbers. If the state court dismisses or resolves Petitioner's state court
9 proceedings, Petitioner is directed to inform the Court and file a motion to lift the stay within 30
10 days of the state court taking action.

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12 Dated this 8th day of June, 2020.

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15 David W. Christel
16 United States Magistrate Judge
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